



*United States Attorney  
Eastern District of New York*

RN:MT:AL:sw  
F.#2010R00195  
Disc. 26

*271 Cadman Plaza East  
Brooklyn, New York 11201*

September 16, 2011

**Via ECF**

All Defense Counsel

Re: United States v. Theodore Persico, Jr., et al.  
Criminal Docket No. 10-147 (S-2) (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following supplemental discovery with respect to the above-captioned case. The government hereby reiterates its request for reciprocal discovery.

**1. TITLE III EVIDENCE**

This production consists of materials that have been produced in United States v. Neil Messina, 11 CR 31 (KAM). You may obtain these materials by contacting John Palermo at (973) 895-1359. Please make sure you reference the Messina discovery letter, dated April 19, 2011. The following chart provides a description of the materials and the discovery numbers assigned in the Messina matter.

Ex.	Description
955	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-449-3866, with International Mobile Equipment Identity ("IMEI") 011662/00/778001/2, dated January 27, 2010
956	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-449-3866, with IMEI 011662/00/778001/2, dated January 27, 2010

Ex.	Description
957	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2536, with IMEI 011975005985593 and a Cellular Telephone Assigned Telephone Number 347-421-2825, with IMEI 011975005983168, dated April 28, 2010
958	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2536, with IMEI 011975005985593, dated April 28, 2010
959	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2536, with IMEI 011975005985593 and a Cellular Telephone Assigned Telephone Number 347-421-2825, with IMEI 011975005983168, dated July 27, 2010
960	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2825, with IMEI 011975005983168, dated April 28, 2010 and July 27, 2010
961	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 646-465-2471, with IMEI 012148-00-775489-1, dated August 30, 2010
962	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 646-465-2471, with IMEI 012148-00-775489-1, dated August 30, 2010
963	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2536, with IMEI 01175400181C372, dated September 10, 2010
964	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 347-421-2536, with IMEI 011975005985593, dated July 27, 2010 and September 10, 2010

<b>Ex.</b>	<b>Description</b>
965	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-964-3820, with IMEI 012233004952043, and a Cellular Telephone Assigned Telephone Number 718-964-3610, with IMEI 011974004623859, dated September 24, 2010
966	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-964-3820, with IMEI 012233004952043, dated September 24, 2010
967	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-964-3610, with IMEI 011974004623859, dated September 24, 2010
968	Application and Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-964-3820, with IMEI 012233004952043, and a Cellular Telephone Assigned Telephone Number 718-679-5026, with IMEI 012516000383282, dated December 17, 2010
969	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-964-3820, with IMEI 012233004952043, dated December 17, 2010
970	Compact disk containing recordings made pursuant to Order Authorizing the Interception of Communications Occurring Over a Cellular Telephone Assigned Telephone Number 718-679-5026, with IMEI 012516000383282, dated December 17, 2010

## **2. DOCUMENTS AND OTHER TANGIBLE ITEMS**

The following materials may also be obtained by contacting John Palermo at (973) 895-1359. The discovery exhibit and bates numbers for these materials resume from the government's previous Persico discovery letter.

<b>DX #</b>	<b>DESCRIPTION</b>	<b>BATES RANGE</b>
243	Copies of Frank Sparaco's address books	34440-34597

<b>DX #</b>	<b>DESCRIPTION</b>	<b>BATES RANGE</b>
244	Search Warrant and Supporting Affidavit for one Samsung Boost cellular telephone, model number SPH M260, with DEC 268435460110899861 and HEX A0000029A65195; and one Verizon LG cellular telephone, model number LG-VX9200, with serial number 001KPXV2633010 and HEX A0000019A9C4D0	34598-34612
245	Disk containing 2009 surveillance photographs of Michael Persico and Ralph DeLeo	34613
246	Disk containing FBI CART reports pertaining to the review of a Samsung Boost cellular telephone, model number SPH M260, with DEC 268435460110899861 and HEX A0000029A65195	34614
247	Disk containing FBI CART reports pertaining to the review of a Verizon LG cellular telephone, model number LG-VX9200, with serial number 001KPXV2633010 and HEX A0000019A9C4D0	34615
248	Disk containing FBI CART reports pertaining to the review of one Samsung cellular telephone bearing ESN 12815714741; and one Samsung cellular telephone bearing MEID 268435459003892445	34616
249	Disk containing photographs provided by Anthony Russo	34617
250	Disk containing recorded prison telephone calls for Edward Garofalo, 3/8/10 through 8/28/11	34618
251	Prison telephone and commissary records for Edward Garofalo, 3/2010 through 8/2011	34619-34684
252	Disk containing recorded prison telephone calls for Theodore Persico, Jr., from 3/12/10 through 8/30/11	34685
253	Prison telephone and commissary records for Theodore Persico, Jr. 8/2010 through 8/2011	34686-34725
254	Autopsy report for Michael Devine	34726-34747
255	A copy of items seized from Francis Guerra during his arrest	34748

DX #	DESCRIPTION	BATES RANGE
256	Disk containing Francis Guerra's family photograph obtained during his arrest	34749

Please contact me if you have any questions or additional requests.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By:                     /s/                      
Samantha Ward  
Paralegal Specialist  
(718) 254-6142

cc: Clerk of the Court (SLT)